

PROVIDING AND ADJUSTING PENALTIES FOR VIOLA-
TION OF NAVIGATION LAWS

FEBRUARY 6, 1925.—Referred to the House Calendar and ordered to be printed

Mr. LEHLBACH, from the Committee on the Merchant Marine and Fisheries, submitted the following

REPORT

[To accompany S. 2399]

The Committee on the Merchant Marine and Fisheries, to which was referred S. 2399, reports the same to the House with the recommendation that the bill be passed. The text of the bill follows:

AN ACT To provide and adjust penalties for violation of the navigation laws, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there be added at the end of section 4472, Revised Statutes, as amended, the provision: "That the owner of any automobile in which all fire has not been extinguished and the motors stopped immediately after the automobile has taken its position on any vessel found on navigable waters of the United States and in which such fires do not remain extinguished and the motors remain idle until the vessel is made fast to the wharf or ferry bridge at which she lands shall incur a penalty of not more than \$500, for which the automobile shall be liable."

Section 4472, Revised Statutes, as amended, permits the transportation by steam vessels of gasoline when carried by motor vehicles using the same as a source of motive power, but provides that all fires be extinguished and motors stopped. The section, however, does not provide any penalty upon the owners of such automobiles should they disobey the proviso. This renders the law practically unenforceable as against owners of automobiles. This defect is sought to be cured by S. 2399.

DEPARTMENT OF COMMERCE,
Washington, February 21, 1924.

MY DEAR SENATOR: I have received your letter of the 11th instant inclosing S. 2399, a bill to provide and adjust penalties for violation of the navigation laws, and for other purposes, with request that I furnish your committee with such suggestions as may be deemed proper regarding the merits of the bill and the propriety of its passage.

This bill covers section 3 of a bill prepared in and approved by this department (H. R. 3215, copy attached for ready reference).

The necessity for enforcement of the law regulating the transportation of automobiles on vessels is emphasized by the increasing number of automobiles transported and loss of life and property resulting from failure to extinguish fires or stop motors while on shipboard.

The bill does not impose any additional requirements in this respect but supplies a workable penalty for existing law.

At present the penalty is on the owner of the vessel, but he has no authority under which he can prevent the driver of the automobile from causing a violation of the law. It is therefore proposed to penalize the automobile. The penalty also should remain on the boat in order that the officers should post notices and adopt other reasonable means to prevent violations. Both the automobile and boat owners are protected from unreasonable penalties through the authority of the Secretary of Commerce, under section 5294, Revised Statutes, as amended to adjust such penalty to the offense through the mitigation or remission of the penalty. By leaving the penalty also on the owners enforcement of the law will be improved without an increase in our inspection force.

Yours faithfully,

HERBERT HOOVER,
Secretary of Commerce.

Hon. W. L. JONES,
Chairman Committee on Commerce, United States Senate.

DEPARTMENT OF JUSTICE,
Washington, D. C., March 4, 1924.

Hon. W. L. JONES,
Chairman Committee on Commerce, United States Senate.

MY DEAR SENATOR: I have the honor to reply to your communication of the 19th ultimo, transmitting copy of bill (S. 2399) to provide and adjust penalties for violation of the navigation laws, and for other purposes, and requesting this department to furnish such suggestions as may be deemed proper touching the merits of the bill.

The bill, if enacted into law, will be an amendment to section 4472, Revised Statutes, as amended, which prohibits the carrying of explosive materials, such as gasoline, etc., on passenger-carrying vessels. Section 4472 as amended provides that:

"Nothing in the foregoing or following sections of this act shall prohibit the transportation by steam vessels of gasoline or any of the products of petroleum when carried by motor vehicles (commonly known as automobiles) using the same as a source of motive power: *Provided, however,* That all fire, if any, in such vehicles or automobiles be extinguished immediately after entering the said vessel, and that the same be not relighted until immediately before said vehicle shall leave the vessel: * * *"

The statute further provides that the owner or master of the vessel may refuse to transport automobiles when the tank contains gasoline, etc.

Punishment by fine of not more than \$2,000 or imprisonment not more than 18 months, or both, for violation of the prohibition against carrying explosives on passenger vessels was contained in sections 234, 235, and 236 of the Criminal Code. Said sections were amended by the act of March 4, 1921 (ch. 172, 41 Stat. 1444), to read as therein set forth. The act of 1921 is broader and more comprehensive than the former act and provides punishment for violation of the act as follows:

"Whoever shall knowingly violate, or cause to be violated, any provision of this section, or of the three sections last preceding, or any regulation made by the Interstate Commerce Commission in pursuance thereof, shall be fined not more than \$2,000 or imprisoned not more than eighteen months, or both."

The punishment provided by the act of 1921 probably would not apply to the driver or owner of an automobile. Therefore the enactment of the proposed law (S. 2399) would not, so far as I am advised, be in conflict with or a duplication of any existing law or punishment. It is my opinion, therefore, that the proposed amendment to section 4472 should be enacted.

A. T. SEYMOUR,
Acting Attorney General.